

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
SPRINGFIELD SCHOOL COMMITTEE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 08-30132-MAP
	)	
QUETZAL DOE, By and Through his Educational	)	
Surrogate Parent BRYAN CLAUSON, ESQ.,	)	
THE MASSACHUSETTS DEPARTMENT	)	
OF ELEMENTARY AND SECONDARY	)	
EDUCATION and THE BUREAU OF	)	
SPECIAL EDUCATION APPEALS,	)	
	)	
Defendants.	)	
_____	)	

**STATE DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT**

Defendants the Massachusetts Department of Elementary and Secondary Education and the Bureau of Special Education Appeals ("BSEA") (collectively, the "state defendants") cross-move, pursuant to FED. R. CIV. P. 56(b) and LR. 56.1, for summary judgment in their favor, affirming the decision of the BSEA under review. Dkt. No. 20 (*Administrative Record [Volume I of II]*) at 203-214. The reasons why this motion should be granted, Springfield's cross-motion for summary judgment (Dkt. No. 25) should be denied, and final judgment entered in the state defendants' favor are set forth in the accompanying memorandum.

REQUEST FOR ORAL ARGUMENT

The state defendants request, pursuant to LR. 7.1(D), that the Court hold oral argument on this motion and on Springfield's cross-motion for summary judgment.

Respectfully submitted,

THE MASSACHUSETTS DEPARTMENT  
OF ELEMENTARY AND SECONDARY  
EDUCATION and THE BUREAU OF  
SPECIAL EDUCATION APPEALS

By their attorney,

MARTHA COAKLEY  
ATTORNEY GENERAL

By: /s/ James S. Whitcomb  
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DATED: December 31, 2008.

CERTIFICATE OF SERVICE

I, James S. Whitcomb, Assistant Attorney General, hereby certify that this document, filed through the Electronic Case Files system, will be, on this 31<sup>st</sup> day of December, 2008, sent electronically to the registered participant(s) as identified on the Notice of Electronic Filing and mailed in paper copy form, by first class mail, postage prepaid, to those indicated non-registered participant(s).

/s/ James S. Whitcomb  
James S. Whitcomb